

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

ONE 2018 LEXUS LS500, BEARING NC
LICENSE PLATE EMD3447, VIN
JTHB51FF5J5003958

Civil No. 3:22-cv-679

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

NOW COMES the United States of America, Plaintiff herein, by and through Dena J. King, United States Attorney for the Western District of North Carolina, in a civil cause of forfeiture, and respectfully states the following:

INTRODUCTION

1. This is a civil action *in rem* against a 2018 Lexus LS500, bearing NC license plate EMD3447 and VIN number JTHB51FF5J5003958 (the “Lexus”) seized from Koji Stewart (“Stewart”) on July 13, 2022, during the investigation of a drug trafficking conspiracy.

2. Stewart used the Lexus as a means to engage in drug trafficking, including the storage of narcotics, transportation of narcotics for sale, and transportation of currency derived from the sale of narcotics.

3. Thus, the Lexus is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it because it was used and/or intended for use to transport or to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of 21 U.S.C. §§ 841 and/or 846.

4. Procedures for this action are mandated by 21 U.S.C. § 881, 18 U.S.C. § 983, 19 U.S.C. §§ 1602-1621, and, to the extent applicable, the Federal Rules of Civil Procedure and accompanying Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

5. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. These statutes confer original jurisdiction to federal district courts of all civil actions, suits, or proceedings commenced by the United States and any action for the forfeiture of property incurred under any act of Congress.

6. Venue is proper pursuant to 28 U.S.C. § 1395 because the Lexus was seized in the Western District of North Carolina, and is now within the Western District of North Carolina.

7. Based on the following facts, verified by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Task Force Officer (TFO) Peter Carbonaro, this action seeks the forfeiture of all right, title, and interest in the Lexus.

FACTS GIVING RISE TO FORFEITURE

8. As part of an investigation into a drug trafficking conspiracy, on March 9, 2022, law enforcement conducted a controlled purchase of methamphetamine from Koji Stewart utilizing a confidential informant (“CI”).¹

9. The CI texted with Stewart during the morning of March 9, 2022, about meeting at a Best Buy to conduct the drug deal.

¹ Stewart was on federal supervised release at the time related to a prior cocaine trafficking conviction. Further, as part of the investigation referenced in this Complaint, Stewart sold narcotics on multiple other occasions.

10. Prior to the controlled purchase, law enforcement met with the CI at a secure location, searched the CI's person and vehicle for any contraband, provided funds for the purchase, and began electronic surveillance.

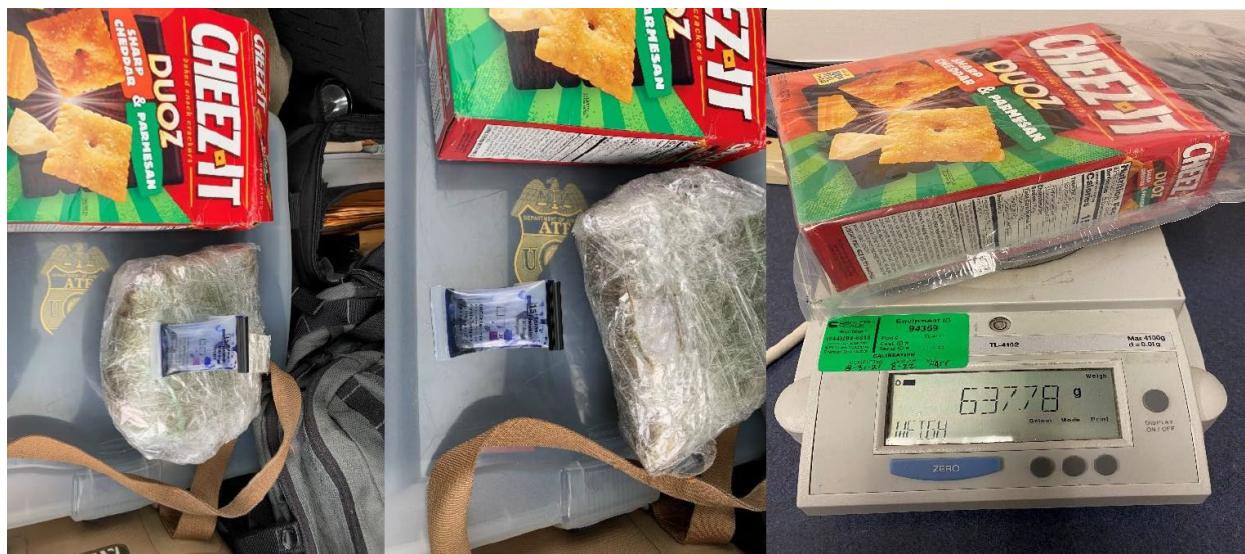
11. The CI arrived at the location of the deal, parked nearby, and spoke to Stewart on the phone, who said he needed twenty minutes to get there.

12. Then, Stewart called and changed the deal's location to a nearby Friday's restaurant, after which the CI drove there and parked.

13. At approximately 1:35 pm, a white Dodge Durango (in which Stewart had been observed driving during a previous narcotics transaction) and the Lexus drove to the back of the restaurant.

14. Stewart then called the CI, and told the CI to drive around to the back of the restaurant.

15. The CI did so, and then Stewart got out of the Lexus, walked over to the passenger side of the CI's vehicle, and gave the CI 637.78 grams of methamphetamine inside of a Cheez-it box:



16. The CI gave Stewart money for the methamphetamine and Stewart walked back to the Lexus and drove out of the parking lot.

17. In a later interview with law enforcement, Stewart admitted to, among other things, trafficking narcotics and storing narcotics in his vehicle, which he would then park at a storage facility.

**FIRST CLAIM FOR RELIEF – THE 2018 LEXUS LS500
(21 U.S.C § 881(a)(4))**

18. The United States incorporates by reference the allegations set forth in Paragraphs 1 to 17 above as if fully set forth herein.

19. The Lexus is subject to forfeiture pursuant to 21 U.S.C. § 881 (a)(4) because the vehicle was used and/or intended to be used to transport or to facilitate the transportation, sale receipt, possession or concealment of controlled substances in violation U.S.C. §§ 841 and/or 846.

20. Upon information and belief, the following persons may claim an interest in the Lexus:

- Koji Stewart
- PNC Bank, 2730 Liberty Ave, Pittsburgh, PA, 15222

CONCLUSION AND PRAYER FOR RELIEF

21. By virtue of the foregoing, all right, title, and interest in the Lexus vested in the United States at the time of the commissions of the unlawful act giving rise to forfeiture, 21 U.S.C. § 881(h), and has become and is forfeitable to the United States.

WHEREFORE, the United States of America respectfully prays the Court that:

1. A warrant for the arrest of the Lexus be issued;
2. Due notice be given to all parties to appear and show cause why the forfeiture should not be decreed;
3. Judgment be entered declaring the Lexus to be condemned and forfeited to the United States of America for disposition according to law; and
4. The United States be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of the Lexus as required by 28 U.S.C. § 1921.

Respectfully submitted this 20th day of December, 2022.

DENA J. KING
UNITED STATES ATTORNEY

/s/ Seth Johnson
J. Seth Johnson
NC Bar No. 53217
Assistant United States Attorney
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, North Carolina 28202
Telephone: (704) 338-3159
Email: seth.johnson@usdoj.gov

VERIFICATION

I declare under penalty of perjury that the factual information contained in the foregoing Complaint is true and correct according to the best of my knowledge, information, and belief.

Executed on the 19th day of December, 2022.

A handwritten signature in blue ink, appearing to read 'Peter Carbonaro', is written over a horizontal line.

Peter Carbonaro
ATF Task Force Officer